

## ARTICLE 71-07

### PRETAX BENEFITS PROGRAM

Chapter  
71-07-01            General Organization

#### CHAPTER 71-07-01 GENERAL ORGANIZATION

Section  
71-07-01-01            Plan Document  
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**71-07-01-01. Plan document.** The board must prepare a plan document for the pretax benefits program. The plan document must meet applicable requirements of the Internal Revenue Code. The board must annually review the plan document prior to the beginning of each new plan year. Modifications must be made to reflect changes in the program and to maintain a qualifiable program pursuant to the Internal Revenue Code.

**History:** Effective April 1, 1992.

**General Authority:** NDCC 54-52-04

**Law Implemented:** NDCC 54-52.3-02

**71-07-01-02. Summary plan document.** Upon request of the employee, the retirement board shall make available a descriptive booklet setting forth the enrollment requirements of the plan and explanation of the pretax benefits program under section 125 of the Internal Revenue Code.

**History:** Effective April 1, 1992; amended effective May 1, 2004.

**General Authority:** NDCC 54-52-04

**Law Implemented:** NDCC 54-52.3-02

**71-07-01-03. Program moneys.** Within six months of the end of the plan year, the executive director must return to the payroll clearing account any surplus in the pretax benefits account. Surplus includes employer Federal Insurance Contributions Act tax savings and forfeited employee account balances not used to offset the administrative expenses of the program, negative account balances, and the projected funds necessary to provide for short-term cashflow requirements when paying claims in the new plan year for the medical spending account.

**History:** Effective April 1, 1992.

**General Authority:** NDCC 54-52-04

**Law Implemented:** NDCC 54-52.3-06